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Federal National Mortgage Association*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

THUNDER PROPERTIES, INC, a Nevada
corporation,

Plaintiff,

vs.

KATHLEEN J. TREADWAY, an individual;
WELLS FARGO BANK, N.A., a national
banking association; FEDERAL
NATIONAL MORTGAGE ASSOCIATION,
a Delaware corporation; DOE individuals I
through XX; and ROE CORPORATIONS I
through XX,

Defendants,

and

FEDERAL HOUSING FINANCE
AGENCY, as Intervenor for Federal National
Mortgage Association,

Intervenor.

FEDERAL NATIONAL MORTGAGE
ASSOCIATION, a Delaware corporation,

Counterclaimant,

and

FEDERAL HOUSING FINANCE
AGENCY, as Intervenor for Federal National
Mortgage Association,

Intervenor.

Case No.: 3:15-cv-00141-MMD-VPC

**FEDERAL NATIONAL MORTGAGE
ASSOCIATION'S RULE 5.1 NOTICE
OF CONSTITUTIONAL QUESTION**

1 vs.
2 THUNDER PROPERTIES, INC., a Nevada
3 corporation,
4 Counter-defendant.
5 FEDERAL NATIONAL MORTGAGE
6 ASSOCIATION, a Delaware corporation,
7 Counterclaimant,
8 v.
9 THUNDER PROPERTIES, INC., a Nevada
10 corporation; WILLIAMSBURG
11 TOWNEHOMES HOMEOWNERS
12 ASSOCIATION, a Nevada non-profit
13 corporation,
14 Counterdefendants.

13 Defendant and Counterclaimant Federal National Mortgage Association (“Fannie Mae”),
14 by and through its attorneys, Snell & Wilmer L.L.P., provides this Notice of Constitutional
15 Question pursuant to Federal Rule of Civil Procedure 5.1.

16 Fannie Mae has challenged the constitutionality of Nevada Revised Statute 116.3116 *et*
17 *seq.* (the “Statute”) as more fully set forth in its Counterclaim [ECF #48]. Fannie Mae alleges that
18 the Statute is unconstitutional under the right to due process, which is secured by the Fifth and
19 Fourteenth Amendments to the U.S. Constitution. Those due process provisions of the U.S.
20 Constitution require that “at a minimum, [the] deprivation of life, liberty or property by
21 adjudication be preceded by notice and opportunity for hearing appropriate to the nature of the
22 case.” *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950). Here, the Statute
23 does not require a homeowner’s association to provide notice to parties with an interest in a deed
24 of trust before a homeowner’s foreclosure sale purportedly extinguishes a deed of trust. Thus, the
25 Statute violates due process as set forth in the U.S. Constitution.

1 This Notice of Constitutional Question is made for the purposes outlined in Rule 5.1 of
2 the Federal Rules of Civil Procedure. A copy of this Notice along with the Counterclaim on file
3 herein has been sent by certified mail to the Office of the Attorney General.

4 DATED this 17th day of May, 2016.

5 SNELL & WILMER L.L.P.

6
7 By: /s/ Holly E. Cheong
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CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. On this date, I caused to be served a true and correct copy of the foregoing Federal National Mortgage Association's Rule 5.1 Notice of Constitutional Question by method indicated below:

_____ U.S. Mail, postage prepaid	_____ Overnight Mail
_____ U.S. Certified Mail	_____ Federal Express
_____ Facsimile Transmission	<u> X </u> Electronic service through the

court's e-service program, CM/ECF.

and addressed to the following:

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 Williamsburg Townhomes Homeowners
 Association*

Gina Long
 Office of the Attorney General
 555 E. Washington Ave., Suite 3900
 Las Vegas, NV 89101
(via certified U.S. Mail, return receipt requested)

DATED this 17th day of May, 2016.

/s/ Maricris Williams
 An employee of Snell & Wilmer L.L.P.